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☐ FEPA
☒ EEOC

172941581

State or Local Agency, if any

and EEOC

NAME (Last, first, middle, initial)

Mr. Douglas N. Durand

HOME TELEPHONE (Include Area Code)

(412) 444-1094

STREET ADDRESS

CITY, STATE AND ZIP CODE

10499 ALLANTE CT., GIBSONIA, PA 15044

DATE OF BIRTH

08/22/51

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

MERCK & COMPANY, INC.

NUMBER OF EMPLOYEES, MEMBERS

Cat D (501 +)

TELEPHONE (Include Area Code)

(412) 366-2622

STREET ADDRESS

CITY, STATE AND ZIP CODE

5700 CORPORATE DRIVE, SUITE 400, PITTSBURGH, PA 15237

COUNTY

091

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE☐ COLOR☐ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE

06/01/94

06/01/94

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheets):

1. I have worked for the Respondent since July 1, 1974. I have been threatened with discharge received a lower than usual evaluation which affected my bonus and merit increase. since I assisted in an investigation of sexual harassment charges. I also have been denied transfers which would allow me to get away from the people who are retaliating against me.
2. [NAME REDACTED] in the person responsible for giving me the lower evaluation and threatening me with discharge.
3. I believe that the Respondent discriminated against me in retaliation of Title VII of the Civil Rights Act of 1964, as amended, in that since being involved in protected activity against my employer I have received different less favorable treatment.

DEFENDANT'S
EXHIBIT

tabbies

11.3

☐ I want this charge filed with both the EEOC and the State or Local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, Month, and year)

CHARGING PARTY COPY

STATE OF PENNSYLVANIACASE NAME DURAND VS MERCK & COCITY/COUNTY OF GIBSONIA/ALLEGHENYCASE NUMBER 172941581**AFFIDAVIT**I, DOUGLAS N. DURAND being first duly sworn upon my oath affirm and hereby say:
(Name)

I have been given assurances by an Agent of the U.S. Equal Employment Opportunity Commission that this Affidavit will be considered confidential by the United States Government and will not be disclosed as long as the case remains open unless it becomes necessary for the Government to produce the affidavit in a formal proceeding. Upon the closing of this case, the Affidavit may be subject to disclosure in accordance with Agency policy.

I am 42 years of age, my gender is Male and my racial identity is White
(Sex) (Race)I reside at 10499 ALLANTE CT.
(Number/Street)City of GIBSONIA, County of ALLEGHENYState of PA, Zip Code 15044My telephone number is (including area code) (412) 444-1094My statement concerns MERCK & COMPANY, INC. which is
(Name of Union/Company/Agency)located at 5700 CORPORATE DRIVE, SUITE 400
(Number/Street)in PITTSBURGH PA 15237
(City) (State) (Zip)My job classification is (if applicable) Business Director
(Job title)My immediate supervisor is (if applicable) _____
(Name) (Job title)**1. Respondent's Business**

The Respondent is a pharmaceutical company, (the largest in the world). I worked out of the Pittsburgh Office as Business Director.

2. Personal Harm

I made the Respondent aware of complaints of sexual harassment that were made to me in May 1993. A subordinate of mine approached me and told me that she was being sexually harassed by (NAME REDACTED). I followed the guidelines in reporting the complaint and became a key witness in the investigation which occurred.

(Name and background information regarding alleged harasser redacted)

I have been treated differently since making them aware of the complaint which I received. Other members of management were avoiding me and I was being snubbed.

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727 948-0749

Douglas Durand

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Equal Employment Opportunity Commission
Affidavit, Additional Text

I have worked for the Respondent since July 1, 1974. I have been the Business Director since June 1985 (with exception of two years when I did an international experience position).

5. Charging Party's rational basis for believing there was discrimination

I believe that I have been retaliated against for assisting in an investigation of sexual harassment against senior management employees.

6. Comparators names, titles, and how similarly situated

I am being retaliated against by *Name redacted*

7. Witness Identification

Name Redacted was my supervisor at the time that the complaint of sexual harassment was made. *Redacted* also was retaliated against and demoted for her involvement in the complaint.

Name Redacted

of Sales at the time of the complaint.

8. Class Harm

This is an individual harm charge of discrimination.

9. Remedy

Adjust performance review, all moneys lost because of review, transfer to a different divisions, retaliation to stop, and damages because I believe that they have destroyed my professional standing.

10. Other relevant information

I have no other information at this time.

EEOC Pittsburgh Area Office

INFORMATION FOR CHARGING PARTIES

You have just completed the filing of a charge of discrimination in which you, the Charging Party, claimed that you were subjected to some adverse or differential treatment in violation of one or more of the laws enforced by the EEOC.

A copy of the charge will be sent to the Respondent (the organization charged with discrimination) normally within 10 days of the date that you filed the charge. A request for a position statement and specific information is usually sent with the charge. The charge is then routed to a special unit in which an Investigator will attempt to resolve the charge by mediation. The Investigator will try to negotiate a settlement that is acceptable to you and the Respondent. If a settlement is reached it will be prepared in writing to be signed by you, the Respondent, and EEOC. If the charge is not settled, the charge will be routed to an Enforcement Unit where the investigation will continue including further efforts at settlement.

A Charging Party is expected to assist in the investigation by providing information in support of the allegations and information requested by the Investigator. The participation in the case does not include the selection of the types of investigation procedures. The EEOC has the sole responsibility for determining how the investigation will be conducted. The investigation will consist of one or more of the following procedures: (1) a written request for information, (2) a visit to the Respondent facility to interview witnesses and review records, (3) a Fact Finding Conference in which you and the Respondent will attend to provide information and (4) telephone and/or in person interviews.

Note: If you believe that the Respondent has taken some action against you because you filed the charge, you should contact this office immediately to discuss the matter further.

Charges are normally investigated in the order in which they are received. Because of the number of charges filed with this office, each Investigator has many charges in his/her caseload; therefore, there will probably be a delay before the investigation of your charge is completed. Please be assured that the Investigator will contact you when necessary. Your patience and cooperation during the processing of your charge will be greatly appreciated.

The Investigator will contact you to discuss the evidence, its interpretation, and to give you an opportunity to respond or provide other information before a finding is made. If the EEOC finds that the evidence does not support your allegations, the charge will be dismissed and you will be advised of your right to pursue the matter further in the U.S. District Court. If a violation of law is uncovered, the EEOC will attempt to obtain the appropriate remedy. If EEOC is unsuccessful in obtaining a suitable remedy, it may sue the Respondent on your behalf. If EEOC does not file suit, you will be advised of your rights to file your own suit.

You may also have the right to go directly to court before the processing of your charge is completed. The procedures you must follow depend on the law(s) involved and are described in other material you will receive from EEOC. The filing of a private lawsuit usually closes a case with the EEOC.

Records you should keep: (1) Documents in support of your allegations, (2) records indicating any expenses or losses resulting from the alleged discrimination (e.g. medical bills, job training expenses) and (3) records of your attempts to lessen the amount of money for damages that would accrue to you if a violation of law was found (e.g. attempts to obtain employment if your claim was that you were not hired or that you were fired).

The Investigator can provide other information during the processing of your charge.

NOTICE OF RIGHT TO FILE A COMPLAINT WITH THE PENNSYLVANIA HUMAN RELATIONS COMMISSION

You have just filed a charge of employment discrimination with the Equal Employment Opportunity Commission (EEOC). You also have the right to file this same charge with the Pennsylvania Human Relations Commission (PHRC). Generally, the anti-discrimination laws administered by EEOC and the PHRC are very similar. However, there may be circumstances in which the state and federal laws or procedures may vary in a manner that could affect the outcome of your case.

There is a Work Sharing Agreement between the EEOC and PHRC that provides that in most cases the agency that takes the charge first is the office that will conduct the initial investigation. The other office will hold in abeyance their processing of the charge until the initial processing office resolves the charge. The other office may review the findings and resolution of the processing office and either adopt their resolutions and close the complaint or if it is deficient conduct its own investigation.

If you desire to file a charge with the PHRC you should contact the nearest PHRC Regional office within 30 days from the receipt of this notice. You will be referred to the appropriate office or scheduled for an appointment to file a complaint. A formal complaint must be a verified complaint in writing on a PHRC complaint form. A telephone call is not considered a formal complaint. If you decide to also file with PHRC take with you a copy of your EEOC charge.

If you do not contact the PHRC within 30 days, your complaint will not be processed by the PHRC and you will lose your rights to relief under Pennsylvania law. Failure to contact the PHRC will not affect your federal rights, nor will it affect EEOC's processing of your charge.

PHRC OFFICES

Pennsylvania Human Relations Commission
2971-E North Seventh Street
Harrisburg, PA 17110
(717) 787-9784

Pennsylvania Human Relations Commission
711 State Office Building
Broad & Spring Garden Streets
Philadelphia, PA 19130
(215) 560-2496

Pennsylvania Human Relations Commission
1100 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5395

Notice Received: _____

Signature

Date: _____

Notice Mailed To: _____

By: _____

Date: _____

If you have any questions, contact your nearest PHRC office.